IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL REVN. APPLICATION NO.241 OF 2004

Vasant Shankar Chandanshive, .. Applicant

Vs

1. Shri Dhanraj Jyotiram Sawant

and Anr. .. Respondents

Mr. P.B.Naiknaware, for the applicant.

Mr V.B.Konde-Deshmukh, APP for the respondent-state

Mr H.M.Bhosale, for respondent no.1

CORAM : D.B.BHOSALE,J.

DATE : 25th AUGUST, 2004.

PC:

1. This revision is directed against the judgment and order dated 23.6.2004, rendered by the learned Addl.Sessions Judge, Baramat, in Criminal Appeal No.11 of 2002, by which the judgment and order dated 25.7.2002, convicting the applicant for the offence punishable under section 138 of Negotiable Instruments Act (for short, "said Act") passed by the learned JMFC, Indapur, has been affirmed. By the order of the learned JMFC, the applicant was convicted and sentenced to suffer S.I.for one year and to pay compensation of Rs.90,000/-to complainant Dhanraj Jyotiram Savant.

2. I heard the learned counsel appearing for the parties.The applicant and the complainant are present in the Court. Mr. Bhosale, learned counsel for the complainant, has tendered an affidavit duly signed by the complainant stating that he has amicably settled the dispute with the applicant and has, therefore, prayed for allowing them either to withdraw the complaint or to compound the offence as contemplated under section 147 of said Act. The affidavit filed by the complainant is taken on record and marked "X" for identification. The terms of the settlement, as enumerated in paragraph 5 of the affidavit, are accepted. In view thereof and considering the provisions of section 147 of the Act, parties are allowed to compound the offence in terms of the affidavit duly signed by the complainant. In the result, the impugned judgments and orders passed by the Courts below render ineffective. The complainant is allowed to withdraw an amount of Rs.45,000/- deposited by the applicant in this Court.

. Mr Bhosale, learned counsel for the complainant, confirms that the complainant has received the balance of Rs.55,000/- as agreed in the terms enumerated in paragraph 5 of the said affidavit. This revision application is, accordingly, disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)